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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/611,521

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Patrice R. Calhoun

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Law Office of Mark J. Spolyar  
38 Fountain Street  
San Francisco, CA 94114

EXAMINER

CHAN, SAI MING

ART UNIT

PAPER NUMBER

2616

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/611,521	<b>Applicant(s)</b> CALHOUN, PATRICE R.	
	<b>Examiner</b> Sai-Ming Chan	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 3/11/2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1-4 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al. (U.S. Patent #7298702)**, in view of **Zheng et al. (U.S. Patent Publication # 20030074452)**.

Consider **claims 1 and 12**. Jones et al. clearly disclose and show a wireless network system, comprising

a plurality of access elements (column 1, lines 36-39 (access points)) for wireless communication (abstract (WLAN)) with at least one remote client element (fig. 1(12), column 5, lines 46-50) and for communication with a central control element (fig. 1(22), column 5, lines 46-59 (VAP server));

a central control element for supervising (fig. 2 (34 & 36), column 10, lines 32-54) said access elements, where the central control element is operative to manage, and control (fig. 2 (34 & 36), column 10, lines 32-54 (route , drop or route local)) the wireless connections between the access elements and corresponding remote client elements,

wherein the central control element is further operative to

detect a session initiation message (fig. 2 (34 & 36), column 10, lines 32-54 (look at SIP message)) associated with a remote client element, the session initiation message corresponding to a session between the remote client element and an end system (fig. 2 (34 & 36), column 10, lines 32-54 (SIP message from wireless terminal to call control device)) ,

maintain wireless connections with one or more remote client elements (col. 1, lines 40-47 (wireless connection));

However, Jones et al., do not specifically disclose the QoS and SIP.

In the same field of endeavor, Zheng et al. clearly shows:

process the session initiation message to determine one or more Quality-of-service (QoS) parameters, where one of the one or more QoS parameters is an allocation for wireless bandwidth resources of an access element (paragraph 0015 (request for bandwidth)),

associate the one or more QoS parameters to the session corresponding to the session initiation message (paragraph 0015 (request for bandwidth)), and

forward the session initiation message (paragraph 0015 (request for bandwidth))

transmit the one or more QoS parameters (paragraph 0015 (request for bandwidth)) to a first access element to which the first remote client element is associated, and

wherein the first access element is operative to

reserve wireless bandwidth for the session according to the allocation of wireless bandwidth of the Qos parameter transmitted by the central control element (paragraph 0015 (request for bandwidth)).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to demonstrate a network system, as taught by Jones et al., and show QoS and SIP, as taught by Zheng et al., in order to provide an optimal communication path.

Consider **claim 2**, and **as applied to claim 1 above**, Jones et al., as modified by Zheng, clearly disclose and show a computer network (column 6, lines 18-25 (software logic)) wherein the central control element (fig. 2 (34 processor), column 6, lines 18-25)

is coupled to the computer network, and wherein the central control element is operative to

establish a tunnel with each access element for transmission of wireless traffic associated with corresponding remote client elements (column 2, lines 44-63 (tunnel from VAP to VPN terminator)), and

bridge network traffic between the computer network and a remote client element through a tunnel (column 2, lines 44-63 (tunnel from VAP to VPN terminator)) with a corresponding access element.

Consider **claim 3**, and **as applied to claim 2 above**, Jones et al., as modified by Zheng, clearly disclose and show a system wherein the access elements are each connected to the central control element via a direct access line (fig. 2 (42), column 7, lines 37-45).

Consider **claim 4**, and **as applied to claim 2 above**, Jones et al., as modified by Zheng, clearly disclose and show a system wherein the access elements are each operably coupled to the computer network (column 1, lines 36-39 (access points), fig. 2, column 7, lines 37-45).

**Claims 9, 10 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al. (U.S. Patent #7298702)**, in view of **Zheng et al. (U.S. Patent Publication # 20030074452)**, and further in view of **McLampy et al. (U.S. Patent Publication # 20020114282)**.

Consider **claim 9**, and **as applied to claim 6**, Jones et al., as modified by Zheng, clearly disclose and show a system as described.

However, Jones et al., do not specifically disclose maximum number of sessions.

In the same field of endeavor, McLampy et al. clearly shows a maximum number of sessions (paragraph 0032, lines 23-26 (maximum sessions)).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to demonstrate a network system, as taught by Jones et al., and show authentication, as taught by McLampy, in order to provide an optimal communication path.

Consider **claim 10**, and **as applied to claim 1 above**, Jones et al., as modified by Zheng, clearly disclose and show a system as described.

However, Jones et al., as modified by Zheng, do not specifically disclose authentication mechanism.

In the same field of endeavor, McLampy et al. clearly shows a system further comprising a SIP server (fig. 2 (246 SIP proxy server)) including an application layer authentication mechanism (paragraph 0073 (password and userid));

and wherein the central control element is operative to maintain security states (fig. 3a (334 access right)) for remote client elements detected by the access elements,,

apply, at the access elements, a security mechanism to (fig. 3a (334 access right), paragraph 0073 (table 1)) control access to the wireless connections to remote client elements, wherein operation of the security mechanism is based on the security

states of the remote client elements, and

adjust the security state (fig. 3a (334 access right), paragraph 0073 (table 1)) associated with a remote client element based on its interaction with the authentication mechanism associated with the SIP server.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a network system, as taught by Jones, and demonstrate the authentication, as taught by McLampy et al., in order to provide an optimal communication path.

Consider **claim 11**, and **as applied to claim 10 above**, Jones et al., as modified by Zheng and McLampy et al., clearly disclose and show a system wherein the central control element is operative to deny connections (column 1, lines 36-50 (needs to be authenticated before communication)) with an access element to a wireless client element that fails to properly authenticate (column 1, lines 36-50 (needs to be authenticated before communication)) with the authentication mechanism of the SIP server.

**Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al. (U.S. Patent #7298702)**, in view of **Zheng et al. (U.S. Patent Publication # 20030074452)**, and in view of **Amin et al. (U.S. Patent Publication # 20020152319)**.

Consider **claim 5**, and **as applied to claim 1 above**, Jones et al., as modified by Zheng, clearly disclose and show a system wherein the central control element transmit

the QoS policy of the remote client from the first access element to a second access element (paragraph 0099 (add the policy)).

However, Jones et al., as modified by Zheng, do not specifically disclose handoff.

Furthermore, Amin et al. clearly disclose handoff (paragraph 0037 (during handoff, little interruption is involved)).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a network system, as taught by Jones et al., and demonstrate QoS and handoff, as taught by Amin et al., in order to provide a perfect communication path.

**Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al. (U.S. Patent #7298702)**, in view of **Zheng et al. (U.S. Patent Publication # 20030074452)**, and in view of **Carlson et al. (U.S. Patent Publication # 20060120282)**.

Consider **claim 6**, and **as applied to claim 1 above**, Jones et al., as modified by Zheng, clearly disclose and show a system as described.

However, Jones et al., do not specifically disclose the QoS exceeds limit.

In the same field of endeavor, Carlson et al. clearly show the central control element is further operative to revoke previously granted QoS guarantees provided to at least one lower priority session, if enforcement of the QoS policy with all previously configured QoS policies exceeds a limit (paragraph 0213 (deny request)).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to demonstrate a network system, as taught by Jones et al., and show Qos exceeds limit, as taught by Carlson, in order to provide an optimal communication path.

**Claims 7-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al. (U.S. Patent #7298702)**, in view of **Zheng et al. (U.S. Patent Publication # 20030074452)** and **Carlson et al. (U.S. Patent Publication # 20060120282)**, and in view of **Amin et al. (U.S. Patent Publication #20020152319)**.

Consider **claim 7**, and **as applied to claim 6 above**, Jones et al., as modified by Zheng and Carlson, clearly disclose and show a system as described.

However, Jones et al., as modified by Zheng and Carlson, do not specifically disclose maximum bandwidth limit.

In addition, Amin et al. clearly disclose the limit is the maximum bandwidth associated with the access element (paragraph 0045 (default bandwidth during session establishment)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a network system, as taught by Jones, and demonstrate maximum bandwidth limit, as taught by Amin et al., in order to provide a perfect communication path.

Consider **claim 8**, and **as applied to claim 6 above**, Jones et al., as modified by Zheng and Carlson, clearly disclose and show a system as described.

However, Jones et al., as modified by Zheng and Carlson, do not specifically disclose bandwidth limit is configurable.

In addition, Amin et al. clearly disclose bandwidth limit is configurable (paragraph 0043 (facilitate a change of bandwidth)).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a network system, as taught by Jones, and demonstrate configurable bandwidth limit, as taught by Amin et al., in order to provide a perfect communication path.

#### ***Response to Amendment***

Applicant's arguments filed on March 11, 2008, with respect to claims 1, 6, and 12, on page 6 and through page 9 of the remarks have been fully considered. In the present application, Applicants basically argue that Walton does not teach or suggest "Qos parameters and bandwidth".

The Examiner has introduced a new reference which teaches or suggests "Qos parameters and bandwidth". See the above rejections of claims 1, 6 and 12, for the relevant interpretation and citations found in Zheng, disclosing the missing limitation.

***Conclusion***

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
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Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Sai-Ming Chan whose telephone number is (571) 270-1769. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Sai-Ming Chan/  
Examiner, Art Unit 2616

May 6, 2008

/Seema S. Rao/  
Supervisory Patent Examiner, Art Unit 2616